

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

HEADWATER RESEARCH LLC,

Plaintiff,

v.

AT&T INC., AT&T SERVICES, INC.,
AT&T MOBILITY, LLC, and AT&T
CORP.,

Defendants.

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CIVIL ACTION NO. 2:23-CV-397-JRG-RSP
(LEAD CASE)

MEMORANDUM ORDER

Before the Court is the Motion for Leave to Supplement Expert Reports Based on Newly Produced Discovery, filed by Plaintiff Headwater Research LLC. **Dkt. No. 143.**

I. BACKGROUND

A substantively identical motion was filed in a parallel litigation: *Headwater Research LLC v. Verizon Communications Inc., et al*, 2:23-cv-00352-JRG-RSP. See Dkt. No. 195 in 2:23-cv-00352. The Court notes, however, that there is an argument unique to the instant Motion related to the February 14, 2025 production of AT&T’s subscriber volume by various channels, which will be taken up now.

II. ANALYSIS OF NEW ISSUE

In the Motion, Plaintiff argues as follows: “On February 14, 2025, AT&T produced ATT_HEADWATER_00142510, containing certain information about AT&T’s subscriber volume by various sales channels. As AT&T’s counsel acknowledged, this production was made ‘in accordance with the Court’s Order (Dkt. No. 108)’ on Headwater’s timely filed motion to compel. Dr. Bazelon’s supplemental report addresses this new document in a single paragraph, stating that

it further confirms the analysis in his opening report and that it indicates a figure used in his analysis was conservative.” Dkt. No. 143 at 2.

In response, Defendants represent that “AT&T does not contest Headwater’s supplementation with respect to the AT&T produced materials [including ATT_HEADWATER_00142510].” Dkt. No. 168 at 1, n.2.

Accordingly, the Court hereby **GRANTS** the Motion as to ATT_HEADWATER_00142510.

III. CONCLUSION

Accordingly, for the reasons discussed in Section II above as well as the Court’s ruling on the parallel motion (Dkt. No. 347 in 2:23-cv-00352), the instant Motion is also **GRANTED** as to the Apple Data and the AT&T produced materials including ATT_HEADWATER_00142510, and is otherwise **DENIED**.

SIGNED this 10th day of July, 2025.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE